

Message Text

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ORIGIN NEA-10

INFO OCT-01 ISO-00 OES-03 NRC-05 SSO-00 NSCE-00 USIE-00

INRE-00 DODE-00 EB-07 NSAE-00 TRSE-00 ERDA-05 CIAE-00

COME-00 SS-15 NSC-05 L-03 /054 R

DRAFTED BY NEA/INS:BWBROWN:EI

APPROVED BY NEA:ADUBS

OES:DHOYLE

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TO AMEMBASSY NEW DELHI IMMEDIATE

AMCONSUL BOMBAY IMMEDIATE

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E.O. 11652: N/A

TAGS: TECH, ENRG, IN, US

SUBJECT: NRC HEARINGS ON TARAPUR FUEL SUPPLY

1. FOLLOWING LETTER DATED MARCH 5 RECEIVED BY DEPARTMENT
FROM NRC. PLEASE INFORM GOI IN ACCORDANCE WITH PARA 4.

2. BEGIN QUOTE: DEAR MR. SPRINGSTEEN: ON MARCH 2, 1976,
THE NUCLEAR REGULATORY COMMISSION WAS SERVED WITH PETITIONS
SEEKING LEAVE TO INTERVENE IN TWO LICENSE APPLICATIONS FOR
THE EXPORT OF SPECIAL NUCLEAR MATERIAL TO INDIA (LICENSE
NOS. XSNM-805 AND XSNM-845). COPIES OF THESE PETITIONS
HAVE BEEN FURNISHED PREVIOUSLY TO YOUR DEPARTMENT THROUGH
ACTING ASSISTANT SECRETARY MYRON KRATZER. THE PETITIONERS
(SIERRA CLUB, NATURAL RESOURCES DEFENSE COUNCIL, AND UNION
OF CONCERNED SCIENTISTS) ALSO REQUEST A HEARING IN CON-
NECTION WITH THE COMMISSION'S CONSIDERATION OF THE APPLI-
CATIONS.

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3. THESE PETITIONS CONSTITUTE THE FIRST REQUESTS FOR INTERVENTION AND HEARING ON AN EXPORT LICENSING APPLICATION FOR SPECIAL NUCLEAR MATERIALS RECEIVED BY EITHER THE NRC OR ITS PREDECESSOR THE ATOMIC ENERGY COMMISSION. BEFORE RULING ON THE SEVERAL ISSUES PRESENTED, THE COMMISSION WISHES TO OBTAIN FURTHER INFORMATION AND VIEWS OF CON-

CERNED GOVERNMENT AGENCIES AND OTHERS TO ASSIST IT IN MAKING ITS DECISIONS. ACCORDINGLY, AND CONSISTENT WITH THE PROCEDURES OUTLINED IN EXECUTIVE ORDER NO. 11902 FOR FURNISHING EXECUTIVE BRANCH VIEWS ON NUCLEAR EXPORT LICENSE APPLICATIONS TO THE NRC, WE INVITE YOU TO SUBMIT VIEWS AND COMMENTS ON THE ISSUES RAISED IN THE PETITIONS.

4. ALSO, THE COMMISSION BELIEVES IT WOULD BE APPROPRIATE FOR YOU TO INFORM THE GOVERNMENT OF INDIA OF THE NRC'S INTENDED COURSE OF ACTION FOR DETERMINING THE ISSUES RAISED BY THE PETITIONS, AND ITS WILLINGNESS TO ENTERTAIN ANY VIEWS THAT GOVERNMENT MAY WISH TO EXPRESS, EITHER FOR SUBMISSION THROUGH YOUR DEPARTMENT OR INDEPENDENTLY.

5. IN THIS REGARD, THE COMMISSION HAS ASKED THAT WRITTEN STATEMENTS BE FILED WITH IT NO LATER THAN 5:00 P.M., FRIDAY, MARCH 12, 1976, AND HAS SCHEDULED A PRELIMINARY ORAL HEARING ON ISSUES RELEVANT TO THE PETITIONS AT 10:00 A.M., ON WEDNESDAY, MARCH 17, 1976. THE HEARING WILL BE HELD IN THE COMMISSION'S CONFERENCE ROOM (ROOM 1115) AT 1717 H STREET, N.W., WASHINGTON, D.C.

6. THE ORAL HEARING WILL BE ADDRESSED TO THE NEED OR DESIRABILITY OF CONDUCTING A HEARING ON THE APPLICATIONS FOR EXPORT LICENSES, THE MATTERS PROPER TO BE CONSIDERED IN SUCH A HEARING, THE PROCEDURES TO BE OBSERVED, THE STANDING OF PETITIONERS TO PARTICIPATE IN THOSE PROCEEDINGS, AND THE TIMELINESS OF THE PETITIONS, AND NOT TO THE ISSUANCE OR NOT OF THE LICENSES THEMSELVES. IF THE COMMISSION DECIDES TO CONDUCT HEARINGS ON ONE OR BOTH APPLICATIONS, THOSE HEARINGS WILL BE HELD AT A LATER DATE. HOWEVER, A FULL WRITTEN EXPOSITION OF FACTS AND ARGUMENT BEARING ON EACH OF THE CONTENTIONS MADE IN THE MOTIONS LIMITED OFFICIAL USE

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FOR LEAVE TO INTERVENE IS DESIRED.

7. IN PARTICULAR, THE COMMISSION INVITES EACH OF THE PARTICIPANTS TO ADDRESS THE FOLLOWING QUESTIONS IN WRITTEN AND ORAL PRESENTATIONS:

(1) ON WHAT DATE WERE NOTICES OF THE LICENSE APPLICATIONS IN XSNM-805 AND -845 PLACED IN THE PUBLIC DOCUMENT ROOM

OR ACTUALLY MADE KNOWN TO THE PETITIONERS OR THEIR ATTORNEYS?

(2) ASSUMING A PETITION TO INTERVENE IN THE CIRCUMSTANCES OF THIS CASE TO BE OTHERWISE PROPER, WHAT STANDARD SHOULD GOVERN THE TIMELINESS OF A PETITION?

(3) DO YOU CONSIDER THAT THE PRESENT PETITIONS ARE TIMELY?

(4) ARE THERE SPECIAL FACTORS, SUCH AS THE POSSIBILITY OF HARM TO FOREIGN RELATIONS INTERESTS, THAT WOULD WARRANT TREATING ONE PETITION DIFFERENTLY FROM THE OTHER WITH RESPECT TO ITS TIMELINESS? IF THE IMPACT OF ANY SUCH FACTORS DEPEND SIGNIFICANTLY UPON THE PROMPTNESS WITH WHICH THE EXPORT LICENSES WHICH ARE THE SUBJECT OF THE TWO PETITIONS ARE ISSUED, WHAT IS THE LATEST TIME EACH LICENSE MIGHT BE ISSUED TO AVOID THIS IMPACT, TAKING INTO ACCOUNT SUCH FEASIBLE ALTERNATIVE METHODS OF TRANSPORTATION AND OTHER OPTIONS WHICH WOULD EXTEND THIS TIME PERIOD TO THE FULLEST EXTENT POSSIBLE?

(5) IN YOUR VIEW, DO EITHER OF THE PRESENT PETITIONS STATE CIRCUMSTANCES REQUIRING OR MAKING IT ADVISABLE IN THE PUBLIC INTEREST TO HOLD PUBLIC HEARINGS?

(6) IF A PUBLIC HEARING WERE HELD, WHAT RULES OF PROCEDURE SHOULD GOVERN?

(7) WHAT PROCEDURES SHOULD APPLY TO THE RECEIPT BY THE COMMISSION OF SENSITIVE OR CLASSIFIED INFORMATION BEARING ON FOREIGN RELATIONS ISSUES AND THE COMMISSION'S COMMON DEFENSE AND SECURITY RESPONSIBILITIES?

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(8) IF A HEARING IS GRANTED BY THE COMMISSION ON THE TARAPUR EXPORT LICENSE APPLICATIONS, ARE THERE ANY ISSUES RAISED BY PETITIONERS WHICH SHOULD BE EXCLUDED FROM CONSIDERATION AS FALLING OUTSIDE THE NRC'S JURISDICTION?

8. IF YOU HAVE ANY QUESTIONS CONCERNING THE MECHANICS OF THE SCHEDULED HEARING OR SUBMISSION OF WRITTEN COMMENTS, PLEASE CONTACT THE COMMISSION'S GENERAL COUNSEL, MR. PETER STRAUSS, AT 634-1398 OR 492-7375.
SINCERELY, SAMUEL J. CHILK, SECRETARY. END QUOTE. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TECHNICAL ASSISTANCE, TARAPUR, NUCLEAR POWER PLANTS, NUCLEAR FUELS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 MAR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE056698
Document Source: CORE
Document Unique ID: 00
Drafter: BWBROWN:EI
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760088-0193
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760379/aaaacrzi.tel
Line Count: 165
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 22 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 JUL 2004 by coburnhl>; APPROVED <05 OCT 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: NRC HEARINGS ON TARAPUR FUEL SUPPLY
TAGS: TECH, ENRG, IN, US
To: NEW DELHI BOMBAY
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006